

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DENGE LEMO GAHANO,

05-CV-1946-BR

Plaintiff,

OPINION AND ORDER

v.

SUNDIAL MARINE & PAPER and
ALLIED INDUSTRIAL CHEMICAL
AND ENERGY WORKERS
INTERNATIONAL UNION 8-0369,

Defendants.

DENGE LEMO GAHANO
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Plaintiff, *Pro Se*

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BROWN, Judge.

This matter comes before the Court on Plaintiff's Motion for Leave to File Amended Complaint (#115). For the reasons that follow, the Court **DENIES** Plaintiff's Motion.

DISCUSSION

Plaintiff seeks to amend his Second Amended Complaint to add a claim for defamation based on statements that Defendant Sundial Marine made to Oregon Bureau of Labor and Industries (BOLI) during its investigation of Plaintiff's employment discrimination

claims. Plaintiff, however, did not include a copy of his proposed Third Amended Complaint with his Motion as required by Local Rule 15.1(c).

Even if Plaintiff had complied with the requirements of Local Rule 15.1(c), however, the Court denies his Motion to Amend his Second Amended Complaint because Plaintiff cannot state a claim for defamation based on Sundial Marine's statements to BOLI. "[S]tatements that are made as part of judicial and quasi-judicial proceedings are absolutely privileged." *Wallulis v. Dymowski*, 323 Or. 337, 348 (1996)(citing *Ducosin v. Mott*, 292 Or. 764, 768 (1982)(communications to a medical examiner suggesting a possible homicide should be "cloaked with an absolute privilege" because those communications are "an initial step in a judicial proceeding."). See also *Binder v. Oregon Bank*, 284 Or. 89, 91 (1978)("[s]tatements made by parties to judicial proceedings are absolutely privileged"); *Moore v. West Lawn Mem'l Park*, 266 Or. 244, 250-51 (1973)(communications made to State Board of Funeral Directors and Embalmers when it is sitting in its quasi-judicial function as a licensing body are absolutely privileged); *Ramstead v. Morgan*, 219 Or. 383, 401 (1959)(absolute privilege applied to former client's statements to a State Bar committee concerning alleged attorney misconduct because the committee was serving a judicial or quasi-judicial function).

BOLI proceedings are quasi-judicial proceedings.

Schwartzmiller v. Roberts, Civ. No. 93-1276-FR, 1994 WL 48967, at *1-2 (D. Or. Feb. 11, 1994). The Court concludes, therefore, Sundial Marine's statements to BOLI are absolutely privileged, and Plaintiff may not bring a claim for defamation relating to those statements.

Accordingly, the Court denies Plaintiff's Motion for Leave to File a Third Amended Complaint.

CONCLUSION

For these reasons, the Court **DENIES** Plaintiff's Motion for Leave to File Amended Complaint (#115).

IT IS SO ORDERED.

DATED this 27th day of August, 2007.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge